

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DR. BART ADAMS AND)
JOSEPHINE ADAMS, individually)
and as parents and next of kin of)
BRIAN ADAMS,) Case No.: 3:23-cv-0001-ER-BDH
Plaintiffs,)
v.)
THE VANDERBILT UNIVERSITY,)
Defendant.)

JOINT CASE RESOLUTION STATUS REPORT ORDER

Pursuant to the Initial Case Management Order (Dkt. 33), Dr. Bart Adams and Josephine Adams (“Plaintiffs”) and The Vanderbilt University (“Defendant”) (collectively, the “Parties”) submit the following Joint Case Resolution Status Report:

1. The case was filed on January 3, 2023 (Dkt. 1). The Amended Complaint was filed February 22, 2023 (Dkt. 7).

2. Defendant timely filed its Motion to Dismiss Plaintiffs’ Amended Complaint on April 10, 2023 (Dkts. 24, 25). This motion was fully briefed as of June 2, 2023 (Dkts. 32, 37).

3. The Initial Case Management Conference was held on May 24, 2023, and the Initial Case Management Order set a discovery deadline of June 7, 2024, and a dispositive motion deadline of July 12, 2024 (Dkt. 33). The Initial Case Management Order also ordered the Parties to file a Joint Case Resolution Status Report by September 29, 2023, “confirming their first substantive attempt at settlement” (Dkt. 33).

4. The Parties engaged in pre-suit settlement negotiations in this matter. There was an agreement to participate in mediation with Gail Vaughn Ashworth of the Wiseman Ashworth Law Group PLC on December 19, 2022. In advance of that mediation, Plaintiffs issued a demand to Vanderbilt on December 8, 2022. Vanderbilt was prepared to issue a counteroffer at mediation. Ultimately, however, at Plaintiffs’ request mediation was canceled, and the Parties’ settlement discussions fell through. Plaintiffs filed the instant lawsuit shortly thereafter.

5. Counsel for the Parties met and conferred on September 27, 2023. Counsel discussed the impact of the pending dispositive motion and ongoing discovery on settlement negotiations. At this time, the Parties are not in a position to revise their settlement positions from December 2022.

6. Counsel believe that settlement discussions would be more productive with the assistance of a mediator, particularly upon resolution of the motion to dismiss so that counsel could better advise their clients of the value of any remaining claims in this case and the cost of further litigation. To that end, and in accordance with the Initial Case Management Order, the Parties intend to participate in mediation in April or May of 2024.

7. Meanwhile, counsel intend to continue discussing potential settlement with their respective clients. Discovery is ongoing, and once document production is completed in the following one to two months and depositions have commenced, the Parties intend to hold additional settlement talks and revisit whether a new exchange of settlement demands would be productive.

8. The Parties have engaged in, and will continue to engage in, substantive attempts at case resolution.

Dated: September 29, 2023

Respectfully submitted by:

/s/ Lee Pope

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CERTIFICATE OF SERVICE

I do hereby certify that the foregoing pleading has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

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